

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and these remarks.

Pursuant to the above-discussed claim revisions, claim 1 is amended to incorporate the salient recitations of claims 3 and 4, which are cancelled without prejudice or disclaimer. Likewise cancelled are claims 12 and 18, which recite non-elected subject matter. Upon entry of this response, claims 1, 2, 6, 7, and 19 – 21 will be pending.

Responsive to the objections set out on page 3 of the present action, applicant has amended the claims to address Examiner Marvich's stated concerns. Thus, present claims 7 and 9 – 21 prescribe proper multiple dependency, and none of the present claims invokes the notion of an "equivalent" or of an element that is "derived" from another.

Amended claim 2 reflects no lack of antecedent basis for *an* E1 protein that is affected in the manner prescribed. Applicant would only note that it is commonplace, in an adenovirus-related context, to refer to expression of "*the* E1 protein." See, e.g., the appended product description, "Adneo-X™ Expression System" by Clontech (Mountain View, CA) ("When the HEK 293 cell line provides the E1 protein, the recombinant adenovirus can be produced.")

These changes essentially obviate as well the "indefiniteness" rejections put forward on page 4 of the action. Claim 6 has been corrected, in keeping with paragraph 0043 of the published application, to recited the deletion "between nucleotides 27,776 and 29,732 of the adenovirus type 35 genome."

Regarding prior-art rejections advanced on page 5 of the action, applicant notes that neither claim 3 nor claim 4 was affected. Accordingly, the rejections are obviated by the present incorporation of claims 3 and 4 into base claim 1.

None of the above-discussed revisions introduce new matter; hence, their entry is requested. Applicant further requests reconsideration and withdrawal of all pending objections and rejections of the claims, against which the examiner's stated concerns are inapposite. Examiner Marvich also is invited to contact the undersigned directly, should she feel that any issue warrants further consideration.

The Commissioner is hereby authorized to charge any additional fees, which may be required under 37 CFR §§ 1.16-1.17, and to credit any overpayment to Deposit Account No. 19-0741. Should no proper payment accompany this response, then the Commissioner is authorized to charge the unpaid amount to the deposit account. If an extension is needed for timely acceptance of submitted papers, then Applicant hereby petitions for such extension under 37 CFR §1.136 and authorizes payment of the relevant fee(s) from the deposit account.

Respectfully submitted,

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